REMARKS

By the above actions, claims 16, 26 and 30 have been amended. Additionally, the subject matter of claim 18 that is now present in claim 16 has been removed from claim 18 and claim 29 has been cancelled since it subject matter is now present in amended claims 26. In view of these actions and the following remarks, further consideration of this application is requested.

Claims 16-28 and 30 have been rejected as being anticipated by the Kostadinov patent while claim 29 has been found to be unpatentable over the combination of the Kostadinov and Allmond et al. patents. To the extent that these rejections relate to the claims as now presented, they are inappropriate for the following reasons.

In renewing his reliance upon the Kostadinov patent, in his Response to Arguments section of the final Office Action, the Examiner indicated in response to applicant's argument that the computer system of Kostadinov is being used for protocol identification, rather than for performing field bus protocol selection as is the case for the invention set forth in independent claims 16, 26 and 30, that "there is currently no claim limitation regarding 'selecting' a field bus protocol." However, this statement is in error since, e.g., claim 16 sets forth:

> means for setting up the receiver and transmitter for communicating according to said one protocol, if said received data complies with said characteristics

while claims 26 and 30 set forth the step of setting up the receiver and transmitter for communicating according to said one protocol. Clearly, such a setting up means/step inherently requires selection of "said one protocol" from among the recited "number of predefined field bus protocols" detected by the protocol detector.

Furthermore, as recognized by the Examiner relative to claim 29, the subject matter of which is now in all of the independent claims, Kostadinov does not teach a means or step by which field bus detection periodically performed at predefined intervals. Kostadinov merely selects between two fixed field bus systems and if one of these systems is selected, then this field bus is the one used for an indefinitely long period of time. In contrast, applicant's apparatus/method is open-ended as to the number of field bus protocols that can be detected and by performing the detection periodically, whenever new equipment is connected or the

protocol used changed, communication can commence as soon as the field bus detection is performed. Furthermore, as noted lines 13-17 of page 7, applicant's invention is usable in field bus network where different protocols are used in same network because, "the protocol detector detects the protocol each time data is received and processes the data accord to the detected protocol." Kostadinov is incapable of such performance since no repeated detection is performed after a selection is made and the clear intent is that only a single protocol is selected and used.

As for the Allmond et al. automatic communication protocol detection system and method for network systems that was relied upon by the Examiner to correct the above noted deficiency of Kostadinov with respect to claim 29, it is pointed out that Allmond et al. is silent with respect to a field bus adapter, or detecting of a field bus protocol periodically in predefined intervals, as now required by the amended independent claims. Allmond et al. merely concerns a traditional computer communication system where communication takes place over traditional computer networks, and although column 16, lines 41-54 of Allmond et al. discloses a method where a processor selects between different protocols, such selection has nothing at all to do with field bus communication, and would not suggest periodic detection of a field bus whereby the presence of added equipment or the use of different protocols in same network can be detected and communication therewith established. Accordingly, Allmond et al. the features for which it is relied upon let alone the aspects of independent claims 16, 26 and 30 absent from the disclosure of the Kostadonov patent.

Thus, amended claims independent claims 16, 26 and 30 are patentably distinguishable over Kostadinov, and Allmond et al., alone or in combination.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that, after consideration of this response, any issues should remain, or any new issues arise, or should the Examiner believe some additional modification of the claims could enable approval thereof and such could be addressed through discussions with the

undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and/or implementing of an Examiner's Amendment, so as to thereby facilitate prompt approval of this application.

Respectfully submitted,

By: _____
David S. Safran
Registration No. 27,997

Customer No. 25570

Roberts Mlotkowski Safran & Cole, P.C
PO Box 10064
McLean, VA 22102

Direct Telephone: (703) 584-3273

DSS:kmm